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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIACOM

December 16, 1997

Magalie Roman Salas
Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

RE: Oral/Written Ex Parte Presentation to Office of Engineering and Technology
MM Docket No. 87-268, Advanced Television Systems

Dear Ms. Salas:

On December 11, 1997, representatives of Viacom Inc. ("Viacom") met with Bruce Franca, Deputy Chief of the Office of Engineering and Technology, in connection with the above-captioned rule making proceeding. The Viacom representatives were: Steve Goldman, Carol Melton, John Viall and Anne Lucey. The nature and scope of the oral presentation were limited to matters pertaining to the UHF/VHF power-level disparity issue raised in Viacom's Petition for Partial Reconsideration, filed on June 13, 1997, in its Opposition to Petitions for Reconsideration, filed on July 18, 1997, and in its Supplement to Petition for Partial Reconsideration, filed on August 22, 1997 in response to the Commission's Sixth Report and Order, FCC 97-115 (released April 21, 1997). The nature and scope of the written presentation, a copy of which is attached hereto, were limited to Viacom's specific concerns about the Commission's DTV Table and the revised table submitted to the Commission on November 20, 1997 by the Association for Maximum Service Broadcasters, Inc.

The proceeding at issue is a non-restricted proceeding in which presentations are permitted, but must be disclosed. Accordingly, this letter and a copy, as well as the attachment, are being filed pursuant to Section 1.1206 of the Commission's Rules.

Sincerely,

Carol Melton

cc: Bruce Franca

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VIACOM'S CONCERNS WITH RESPECT TO THE FCC AND MSTV TABLES OF ALLOTMENTS

Viacom's Paramount Stations Group ("PSG") is the sixth largest television group owner in the United States. PSG is the licensee of 14 television stations and has an application pending before the Commission to acquire a fifteenth station. Additionally, PSG manages 3 other stations under local marketing agreements. Of these 18 stations, all but one are UHF stations and almost all are affiliated with the UPN network.

The television stations currently licensed to PSG are:

- WPSG, Channel 57, Philadelphia, PA
- WSBK, Channel 38, Boston, MA
- WDCA, Channel 20, Washington, D.C.
- KTXA, Channel 21, Fort Worth, TX
- WKBD, Channel 50, Detroit, MI
- WUPA, Channel 69, Atlanta, GA
- KTXH, Channel 20, Houston, TX
- KSTW, Channel 11, Tacoma, WA
- WTOG, Channel 44, St. Petersburg, FL
- WBFS, Channel 33, Miami, FL
- KPWB, Channel 31, Sacramento, CA
- WWHO, Channel 53, Chilicothe (Columbus), OH
- WGNT, Channel 27, Portsmouth (Norfolk), VA
- WUPL, Channel 54, Slidell (New Orleans), LA

Viacom's Concerns with the FCC Table

(1) Problem: FCC Database Error

- KSTW-TV, Channel 11, Tacoma, WA

The FCC Table assigns to KSTW-TV a power level of 739.7 kW. That power is based upon an antenna HAAT of 363 meters. However, that HAAT is derived from a modification application filed by KSTW in 1992 (See File Number BPCT-920406KF) yet that modification was not constructed and will not be constructed due to local zoning problems. KSTW's actual HAAT is only 271 meters.

Proposed Solution: The database should be corrected to reflect that KSTW's actual HAAT is only 271 meters. The Commission, therefore, should increase KSTW's DTV power to reflect the lower HAAT.

(2) Problem: Severe NTSC Interference

- WSBK(TV), Channel 38, Boston, MA

Under the FCC Table, WSBK(TV) will receive 10.6% interference to its NTSC area coverage as it is an N+1 station located in the Northeast region. The Boston DMA households total 2,174,300. If that station incurs 10.6% interference, it could potentially impact reception at 230,475 NTSC-viewing households.

Proposed Solution: Revise the Table so that the WSBK is not receiving interference from DTV channels.

Note: Viacom believes that the Commission will have to address several interference issues within the Table, especially with respect to the Northeast, Great Lakes and West Coast regions. The FCC is best suited to provide an unbiased and fair corrected Table of Allotments.

(3) Problem: Adjacent NTSC and DTV Channel Assignments

- WBFS(TV), Channel 33, Miami, FL (N-1)
- KTXH(TV), Channel 20, Houston, TX (N-1)
- WSBK(TV), Channel 38, Boston, MA (N+1)

The FCC Table, wherever possible, pairs an NTSC channel with a DTV channel that is adjacent to the NTSC channel, provided that the DTV channel satisfies the necessary spacing requirements. In assigning DTV channels to adjacent-channel NTSC stations, the model assumes that the DTV station will use the same site as the NTSC transmitter (that is, exact co-location). In an ideal world, this adjacent channel assignment method would work. Unfortunately, the world of transmitter towers is not ideal.

As noted above, three Viacom NTSC stations were paired with an adjacent DTV channel. In Miami, Viacom's WBFS, Channel 33, is assigned DTV channel 32 (or, N-1). In Houston, Viacom's KTXH, Channel 20, is assigned DTV channel 19 (N-1). And in Boston, Viacom's WSBK, Channel 38, is assigned DTV channel 39 (N+1). Therefore, in each of these three markets, Viacom must co-locate the NTSC and DTV facilities in order to minimize interference and replicate coverage areas.

However, in all three of the markets, the towers now used for Viacom's NTSC facilities are loaded to capacity. Thus, Viacom will be forced to find or construct new towers to support both its DTV *and* its NTSC facilities in three markets. The estimated costs to construct a new tower are approximately $1.1 to $2 million. In Boston, however, the cost is nearly $5.5 million. And the costs to merely structurally strengthen a rented tower to accommodate both the DTV and NTSC facilities can run as high as $1 million. Additionally, to maintain the co-location, Viacom will have to move its existing NTSC transmitters at an estimated cost of $60,000 to $100,000, if transmitter building space is

even available. And, depending upon the age of the transmitter and/or the available new building's space, Viacom may have to purchase a new NTSC transmitter at a cost of $1.1 million. Further, while moving NTSC transmitter facilities, Viacom's stations will be forced to operate at reduced power, which could negatively affect advertising revenue and confuse viewers.

Viacom's Concerns with the MSTV Table

(1) Problem: Adjacent NTSC and DTV Channel Assignments

- WBFS(TV), Channel 33, Miami, FL (N-1)
- KTXH(TV), Channel 20, Houston, TX (N-1)
- WSBK(TV), Channel 38, Boston, MA (N+1)
- WGNT(TV), Channel 27, Portsmouth, VA (N-1)
- WDCA(TV), Channel 20, Washington, D.C. (N-1)

Under the MSTV Table, two additional Viacom NTSC stations would be paired with adjacent DTV channels. In Portsmouth, Virginia, WGNT, Channel 27, would be assigned DTV channel 26. (Under the FCC Table, WGNT is assigned DTV channel 19, a channel assignment Viacom prefers.) And in Washington, D.C., WDCA, Channel 20, would be assigned DTV channel 19. (Under the FCC Table, WDCA is assigned DTV channel 35.)

Because of the need to co-locate two additional facilities, Viacom would be forced to absorb the additional costs, as outlined above, for new tower sites and equipment relocation costs. Moreover, of all of the markets in which Viacom stations are located, Washington, D.C. is one of the most difficult markets in which to find *any* tower space, let alone tower space that can accommodate both DTV *and* NTSC facilities.

(2) Severe Lack of Replication

- KTXA(TV), Channel 21, Fort Worth, TX

The area match for Viacom's Dallas/Fort Worth station is reduced from 99.7% under the FCC Table to 87.1% under the MSTV Table. The Dallas-Fort Worth DMA television households total 1,848,500. If the station's area match is reduced by 12.6%, the DTV household viewership could possibly decrease by as much as 232,911 households.

Note: We do recognize MSTV's Table does reduce the percent of NTSC interference Area Match from 10.6% to 0.8% and Population Match from 4% to 0.5% at WSBK-TV Boston, Massachusetts.

(3) Higher, Less Desirable DTV Channel Number Assignment

- WPSG(TV), Channel 57, Philadelphia, PA

Under the FCC Table, WPSG is assigned DTV channel 32, while under the MSTV Table WPSG is assigned DTV channel 59, a channel which is assigned to WBPH, Bethlehem, Pennsylvania under the FCC Table. The FCC-assigned channel 32 is more desirable for WPSG because if the Commission determines that television broadcasters will be packed into a core spectrum that does not include channel 59, WPSG may have to move from the MSTV-assigned channel back to its NTSC channel.